

Beiersdorf 652.1-KGB  
6713-Dr. Wi-ka

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1-18-02 u.k.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Marion DETERT, et al.

SERIAL NO. : 09/838,411

FILED : April 19, 2001

FOR : SULFONATED COMB POLYMERS AND PREPARATIONS, IN  
PARTICULAR HAIR COSMETIC PREPARATIONS, BASED ON  
SUCH SULPHONATED COMB POLYMERS

ART UNIT : 1619

EXAMINER : To Be Assigned

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December 14, 2001

Hon. Commissioner for Patents  
Washington, D.C. 20231

**COMMUNICATION RE: FILING OF DECLARATION ON  
A DATE LATER THAN THE FILING DATE OF THE APPLICATION**

Sir:

This is in response to the Notice to File Missing Parts of Application under 37 CFR 1.53(b) dated June 14, 2001, in the above-identified application. A copy of said Notice is attached hereto.

The declaration identifies the specification to which it pertains as Application Serial No. 09/623,405, which was filed on March 5, 1999. That application is identical to the instant application, which is a continuation thereof. Priority to Serial No. 09/623,405 under 35 USC §120 is now claimed. The averments in the declaration are now properly extended to the instant daughter application. Later during the prosecution, Applicants will amend the instant specification to refer to Serial No. 09/623,405 as required by 35 USC §120.

MARION DETERT, ET AL  
USSN 09/838,411

It is requested that the papers submitted herewith be joined up with the papers previously filed in this Application.

Applicant is:

☐ a small entity ☐ verified statement attached  
☒ other than a small entity ☐ verified statement filed

It is requested that the surcharge for the filing of the Declaration be charged to the undersigned's Deposit Account No. 14-1263.

Please charge:

☐ \$ 65.00 for small entity  
☒ \$130.00 for other than small entity.

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

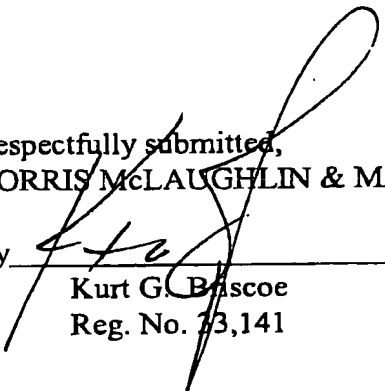
If any extension of time for this response is required, applicant requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

Respectfully submitted,  
NORRIS McLAUGHLIN & MARCUS, P.A.

By

  
Kurt G. Biscoe  
Reg. No. 33,141

KGB:ja

MARION DETERT, ET AL  
USSN 09/838,411

Enc. - Combined Declaration and Power of Attorney  
- Copy of Notice of Missing Parts

220 East 42<sup>nd</sup> Street  
30<sup>th</sup> Floor  
New York, New York 10017  
(212) 808-0700

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231 on December 14, 2001

NORRIS McLAUGHLIN & MARCUS, P.A.

By 

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APR 04 2002

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PTO/SB/21 (12-97)

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GROUP 1600

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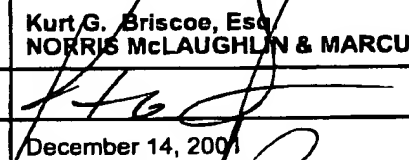
<b>TRANSMITTAL FORM</b> (To be used for all correspondence after initial filing)	Application Number	09/838,411
	Filing Date	April 19, 2001
	First Named Inventor	MARION DETERT, et al
	Group Art Unit	1619
	Examiner Name	To Be Assigned
Total Number of Pages in This Submission	Attorney Docket Number	Beiersdorf 652.1-KGB

## ENCLOSURES (check all that apply)

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> <b>Fee Transmittal Form</b><br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> <b>Extension of Time Request</b><br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> <b>Response to Missing Parts/ Incomplete Application</b><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition<br><input type="checkbox"/> To convert a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Small Entity Statement<br><input type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> <b>Additional Enclosure(s)</b><br>- (please identify below):<br>-Copy of Notice to File Missing Parts<br>-Combination Declaration & Power of Attorney |
|---|---|---|

Remarks:

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kurt G. Briscoe, Esq. NORRIS McLAUGHLIN & MARCUS, P.A.
Signature	 Reg. No. 33,141
Date	December 14, 2001

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents, Washington, D.C. 20231 on this date: December 14, 2001

Typed or printed name	Kurt G. Briscoe
Signature	
Date	December 14, 2001

Burden Hour Statement: This form is estimated to take one hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Hon. Commissioner of Patents, Washington, DC 20231.

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GROUP 1600

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**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	09/838,411
Filing Date	April 19, 2001
First Named Inventor	MARION DETERT ET AL
Examiner Name	To Be Assigned
Group Art Unit	1619
Attorney Docket No.	100718-218 / Beiersdorf 652.1-KGB

TOTAL AMOUNT OF PAYMENT

\$1,570.00

**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **14-1263**

Deposit Account Name **Norris McLaughlin & Marcus**

- ☒ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR § 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) \$0.00

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
0	-20** = 0	X	0.00
0	-3** = 0	X	0.00
0	0.00 = 0.00		0.00

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) \$0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	130.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non - English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	1,440.00
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 480	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR § 1.17(q)	
126 180	126 180	Submission of Information Disclosure Statement	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$1,570.00

**SUBMITTED BY**Name (Print/Type) **Kurt G. Brister**Registration No.  
(Attorney/Agent)

33,141

**Complete (if applicable)**

Telephone

(212) 808-0700

Signature

Date

December 14, 2001

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

11 pages. Total

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Washington, D.C. 20231  
www.uspto.gov

GROUP 1600

Beiersdorf 652.1-KGB

Application Number	Filing Date	First Named Applicant	Atty. Docket No.
09/838,411	04/19/2001	Detert, Marion	Beiersdorf 652.1-KGB

Kurt G. Briscoe, Esq.  
Norris McLaughlin & Marcus, P.A.  
30th Floor  
220 East 42nd Street  
New York NY 10017

Sub papers  
(4-4-02)  
4-8-02

**Title:** Sulphonated comb polymers and preparations, in particular hair cosmetic preparations, based on such sulphonated comb polymers

Date Mailed: 03/21/2002

## Request for Substitute Papers

The papers filed on 4/19/01 (certificate of mailing dated 12/4/01) are no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (USPTO) for this application (37 CFR 1.52(a)) due to the United States Postal Service sanitization process.

The USPTO requests that applicant provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the above-identified papers (signing and returning a copy of this notice will provide such a statement). The reply to this letter should be submitted to the USPTO by facsimile at the number indicated **703-308-4556(TC1600)**.

Alternatively, the reply to this letter may be hand-carried to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

The USPTO strongly prefers that the reply to this letter be submitted by facsimile. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery), the reply may be mailed to: Box Duplicate TC1600, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202-2327.

This letter is not a notice under 37 CFR 1.251. However, failure to timely replay to this notice within **two (2) weeks** of the date of receipt of this letter may result in the USPTO issuing a notice under 37 CFR 1.251. A copy of this notice should be included with the reply.

The enclosed papers are a complete and accurate copy of the above-identified papers.

Name: KURT G. BRISCOE Registration No.: 33,141

Signature: [Signature] Date: April 4, 2002

3/21/02 11:44 AM



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/838,411	04/19/2001	Marion Deten	Beiersdorf 652.1-KGB

CONFIRMATION NO. 9352

## FORMALITIES LETTER



\*OC00000006180665\*

Kurt G. Briscoe, Esq.  
Norris McLaughlin & Marcus, P.A.  
30th Floor  
220 East 42nd Street  
New York, NY 10017

Date Mailed: 06/14/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

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*A copy of this notice **MUST** be returned with the reply.*

*S.H.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE